

OCT 25 2005 3:40PM

GLAXO WELLCOME

NO. 8353 P. 5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Carlton, et al.  
Serial No. : 10/009,145  
Filing Date : November 8, 2001  
  
Title : *High Throughput Crystallization Screening Workstation  
and Method of Use*  
  
Grp. /A.U. : 1743  
Examiner : Gakh, Yelena G.  
Confirmation No. : 8459  
  
Docket No. : PU3657USw

Box Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF  
CALCULATION OF PATENT TERM ADJUSTMENT**

Sir:

This Request for Reconsideration is submitted concurrently with the payment of the Issue Fee in the above-referenced application in response to the Patent Term Adjustment calculation provided in the Notice of Allowance mailed July 26, 2005.

Remarks begin on page 2 of this paper.

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### REMARKS

In the Notice of Allowance mailed on July 16, 2005, the Patent Office stated that the Patent Term Extension (PTE) for the present application is 0 days. From the heading of this PTE paper, it appears that the Patent Office determined PTE under 35 U.S.C. § 154(b) for an application filed after June 7, 1995 but prior to May 29, 2000. Applicants respectfully request reconsideration of the determination of PTE because the present application was filed after May 29, 2000, and accordingly is entitled to PTE as described in M.P.E.P. § 2730. Applicants enclose herewith a copy of the "Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" mailed February 1, 2002 in the present application, which states that the date of receipt of all 35 U.S.C. requirements is November 8, 2001.

Applicants believe that they are entitled to PTE, which is preliminarily determined as follows:

Date	Action	PTO (days)	Applicant (days)
11-8-2001	Filing Date		
1-8-2003	Filing Date + 14 months		
6-3-2004	1 <sup>st</sup> Action (Restriction Req't) mailed	512	
8-3-2004	Response to 1 <sup>st</sup> Action		31
9-24-2004	2 <sup>nd</sup> Action (non-final rejection) mailed		
3-29-2005	Response to 2 <sup>nd</sup> Action		95
<b>Preliminary Determination of PTE</b>		<b>386</b>	

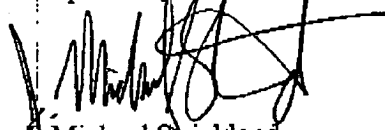
As shown above, Applicants calculate that any patent to issue from the above-identified application is entitled to at least 386 days of PTE. Applicants note that any patent to issue from the above-identified application will issue more than 3 years after the filing date of the application, to wit after November 8, 2004. Accordingly, under 35 U.S.C. § 154(b)(1)(B), Applicants should be entitled to additional PTE above and beyond the 386 days calculated above, with the amount of this additional PTE dependent upon the actual issue date of the patent.

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For the reasons described above, Applicants respectfully request the reconsideration of the Patent Term Extension under 35 U.S.C. § 154(b) for the present application.

Applicants encourage the Examiner to direct any questions regarding this request for reconsideration to the undersigned, who may be contacted at (919) 483-9024.

Respectfully submitted,

  
Michael Strickland  
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Date: October 25, 2005  
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